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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,858

10/17/2003

Daniel L. Dunn

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06/07/2006

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EXAMINER

LE, LINH GIANG

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/688,858	DUNN ET AL.	
	Examiner	Art Unit	
	Linh-Giang Le	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. The communication is in response to the application filed 17 October 2003.

Claims 1-10 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bienvenu II et al. (US 2002/0188476).

4. As per claim 1, Bienvenu teaches a method for assessing risk of insuring a healthcare patient, the method comprising (Bienvenu; Abstract):

receiving demographic data on a patient and data on at least one pharmacy

service prescribed for the patient (Bienvenu; Pg. 1; Para. 4);

assigning a unique drug class to each pharmacy service (Bienvenu; Fig. 5 and Pg. 3, Para. 30);

using the unique drug classes for ordering the pharmacy services according to a predetermined hierarchy of classes (Bienvenu; Fig. 5 and Pg. 5, Para. 43); providing a risk score for the patient using the ordered pharmacy services (Bienvenu; Pg. 5, Para. 43).

Examiner interprets an "individual's insurance rating" to be a type of "risk score". Examiner also interprets "actuarial tables" and "formulas" to be equivalent to a "predetermined hierarchy of classes."

5. As per claim 2, Bienvenu teaches wherein the step of assigning a unique drug class comprises using national drug codes to assign each pharmacy service to a unique class (Bienvenu; Fig. 5 and Pg. 5, Paras. 42 and 43).

6. As per claim 3, Bienvenu teaches further comprising categorizing each unique drug class into one of a number of initial pharmacy risk groups (Bienvenu; Fig. 5 and Pg. 5, Paras. 42 and 43).

7. As per claim 4, Bienvenu teaches further comprising defining additional member risk markers based on patient age and other characteristics known to indicate that the patient belongs to a high risk category (Bienvenu; Pg. 1, Para. 4).

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8. As per claim 5, Bienvenu teaches further comprising providing a clinical and demographic risk profile for the patient based on the patient's age, gender and a mix of clinical and demographic risk profiles (Bienvenu; Pg. 1, Para. 4 and Pg. 5, Para. 43).

9. As per claim 6, Bienvenu teaches further comprising providing multiple patient risk markers for patients with pharmacy services that indicate multiple medical conditions (Bienvenu; Fig. 5).

10. As per claim 7, Bienvenu teaches wherein the risk score comprises the sum of each patient risk marker (Bienvenu; Pg. 5; Para. 43).

11. As per claim 8, Bienvenu teaches wherein the risk score is computed using pre determined weights and a patient's patient risk marker profile (Bienvenu; Pg. 5, Para. 43).

12. As per claim 9, Bienvenu teaches wherein the pharmacy risk groups comprise patient risk markers (Bienvenu; Pg. 5, Para. 43).

13. Claim 10 repeats the limitations of claim 1 and the reasons for rejection are incorporated herein.

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Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh-Giang Michelle Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LLe


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER